

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OMNIPOINT COMMUNICATIONS, INC.,
OMNIPOINT MTA LICENSE, LLC,
and T-MOBILE LICENSE, LLC,

Plaintiffs,

-against-

THE TOWN OF RAMAPO, THE TOWN OF
RAMAPO PLANNING BOARD, PLANNING
BOARD CHAIRMAN SYLVAIN KLEIN, BRACHA
GOBIOFF, BRENDEN LOGAN, REV. WALTER
BRIGHTMAN, JR., JOHN BRUNSON, RICHARD
STONE, DORA GREENE, in their official
Capacities, constituting the Town Planning Board,
THE TOWN OF RAMAPO TOWN BOARD and
LIBORIO DERARIO in his official capacity as
Director of Building Administration and Code
Enforcement,

Defendants.

-----X
MICHAEL L. KLEIN, ESQ., Town Attorney of the Town of Ramapo, answers
the Complaint of the plaintiff on behalf of the defendants as follows:

ANSWER TO PRELIMINARY STATEMENT

1. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1, 2, and 4 of the complaint.
2. With regards to the allegations contained in paragraph 1 of the complaint, denies the allegations that the delay was unreasonable and that an effective denial occurred.
3. Denies the allegations contained in paragraph 3, 5 and 6 of the complaint.

ANSWER TO FIRST
AMENDED
COMPLAINT

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ANSWER TO JURISDICTION AND VENUE

4. With regards to the allegations contained in paragraphs 8, an 9 of the complaint, respectfully refers the Court to the cited statutes.

ANSWER TO PARTIES

5. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 11, 12, 13, 14, 15 and 16 of the complaint.

ANSWER TO FACTS COMMON TO ALL COUNTS

6. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 20, 21, 22, 23, 24 and 25 of the complaint.

ANSWER TO THE APPLICATION

7. Denies the allegations contained in paragraph 33 of the complaint that the Town Board has evidenced hostility.

8. Denies the allegations contained in paragraph 36, 41, 42, 44, 51, 52, 54, 57, 58, 65, 66, 67, 68, 69, 70, 71, 72, 74, 75, 76 and 77 of the complaint.

ANSWER TO FIRST CLAIM FOR RELIEF

9. With regards to the allegations contained in paragraph 78 of the complaint, defendant repeats its previous responses as though set forth in full herein.

10. With regards to the allegations contained in paragraph 79 of the complaint, refers the Court to the cited statute.

11. Denies the allegations contained in paragraph 80 of the complaint.

ANSWER TO SECOND CLAIM FOR RELIEF

12. With regards to the allegations contained in paragraph 81 of the complaint, defendant repeats its previous responses as though set forth in full herein.

13. With regards to the allegations contained in paragraph 82 of the complaint, refers the Court to the cited statute.

11. Denies the allegations contained in paragraph 83, 84 and 85 of the complaint.

ANSWER TO THIRD CLAIM FOR RELIEF

12. With regards to the allegations contained in paragraph 86 of the complaint, defendant repeats its previous responses as though set forth in full herein.

10. With regards to the allegations contained in paragraph 87 of the complaint, refers the Court to the cited statute.

11. Denies the allegations contained in paragraph 88 of the complaint.

ANSWER TO FOURTH CLAIM FOR RELIEF

12. With regards to the allegations contained in paragraph 89 of the complaint, defendant repeats its previous responses as though set forth in full herein.

13. With regards to the allegations contained in paragraph 90 of the complaint, refers the Court to the cited statute.

14. Denies the allegations contained in paragraph 91 of the complaint.

ANSWER TO FIFTH CLAIM FOR RELIEF

15. With regards to the allegations contained in paragraph 92 of the complaint, defendant repeats its previous responses as though set forth in full herein.

16. Denies the allegations contained in paragraph 93, 94 and 95 of the complaint.

WHEREFORE, the defendants demand judgment dismissing the complaint herein together with costs, disbursements and legal fees for the defense of this action.

Dated: Suffern, New York
April 15, 2008

MICHAEL L. KLEIN, ESQ.
Town Attorney

By:

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